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C O N F I D E N T I A L SECTION 01 OF 03 NEW DELHI 003494

SIPDIS

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TAGS: PREL PHUM MASS PTER IN NP

SUBJECT: MEA HOPEFUL NEPAL'S KING MAY ENGAGE PARTIES ON REFORM

REF: NEW DELHI 3480

Classified By: Charge Robert O. Blake, for Reasons 1.4 (B, D)

¶1. (C) Summary: In a May 9 meeting with visiting Assistant Secretary for South Asia Christina Rocca, MEA Joint Secretary

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(North) Ranjit Rae welcomed the May 8 publication of a common platform by the Nepalese political parties as a potential "basis for talks" with King Gyanendra. The GOI plans to encourage the King to not react negatively to the platform statement, but to engage with the parties now that they have taken stands on issues such as corruption that the King had identified as prerequisites to discussions. India will push the King to take further measures to restore civil liberties and protect human rights, using the delivery of non-lethal military equipment as a "gesture of good faith." A/S Rocca flagged the issue of ammunition supplies for the RNA as one we may face in the near future, and encouraged further US-India discussions in defense channels to refine our understanding of the military situation on the ground in Nepal. End Summary.

An Opening for Negotiations?

¶2. (C) After noting that events had moved rapidly since A/S Rocca's last visit three weeks ago, J/S Rae told A/S Rocca, Polcouns, and Poloff that the GOI had been encouraging the Nepalese political parties to make a common statement of objectives, and was hopeful that the platform announced on May 8 would provide a starting point for negotiations between the parties and the palace. Before departing for Jakarta, the King had told Indian Ambassador Mukherjee that he was unable to negotiate with the parties as they were disjointed and unwilling to address previous problems of governance and corruption. As the common platform appeared to respond to those particular objections, the GOI planned to press the King now to engage the parties seriously on restoring democratic government.

¶3. (C) Noting that the King had thus far used Article 127 of the constitution "for all the wrong reasons," Rae pointed out that the party platform requests the King to use that Article to recall the Parliament, but with a limited agenda including reviving a peace process with the Maoists. Rae suggested that this might be palatable to the King, as it could help assuage his fears that a restored Parliament would immediately try to infringe on his powers. Rae argued that one of the biggest winners from this exercise was Congress leader GP Koirala, since he alone among party leaders had been untainted by allegations of collusion with the palace.

¶3. (C) Commenting that the King's greatest concern was retaining his position, Rae speculated that the monarch's initial reaction to the parties' proposal would be outright rejection. However, the combination of domestic unrest (including party agitation and the continuing insurgency) and careful incentives, such as the proposed delivery of non-lethal military supplies and assurances of the continuation of a constitutional monarchy, might convince him to work with the political parties on a path to emerge from the present standoff. Rae agreed that in order to leave room for negotiation, the US and India must convince the King not to reject the parties' statement unconditionally, since that outcome would play into the hands of the Maoists. At this stage, he argued, questions about "constitutionality" were disingenuous.

Resumption of Supplies and Restoration of Civil Liberties

¶4. (C) Rae explained that the GOI's decision to resume non-lethal military supplies (reftel) was intended to signal to the King that India was pleased with the end of the Emergency, and was releasing assistance as a "gesture of good faith," but that New Delhi expected more steps to restore basic civil and human rights. The supplies to be provided in the near term included Mahindra jeeps and night vision equipment, but the GOI was still debating whether to include mine-proof vehicles as they had been used in the past against civilian demonstrations. India hoped that the King's response to receiving these supplies would be to make further progress in restoring civil liberties, the J/S noted. He

commented that the UK, in contrast to Washington, had appeared "distressed and disappointed" when notified of the GOI decision.

15. (C) Rae stated that his biggest concern is that "the rule of law is almost non-existent" in Nepal, and that Nepalese citizens seem to have no legal recourse to contravene government actions, even following the lifting of the Emergency. He commented that the midnight arrest of former PM Deuba, the ransacking of UML party offices, and the reports of "vigilante" groups killing suspected Maoists (which India suspected may be backed by the government) added to the sense of fear among party leaders and other Nepalese. Rae added that the chairman of the National Human Rights Commission is reported to be either a supporter of the King's actions or afraid to challenge them, and that respect for human rights and civil liberties is something that "we must keep drilling home" in interactions with the RGON.

Police Training and Morale

16. (C) Responding to A/S Rocca's identification of police training as a longer-term need to provide a secure environment for elections, Rae noted that the GOI had begun a program for training up to 10,000 Nepalese police officers; two batches of 300-400 had completed training before the program was suspended after February 1. The Nepalese police currently feel out of place under the unified command structure that groups them together with the RNA. Rae noted that the RNA receives all the Palace's resources and attention, while the police are seen as an instrument of the disbanded civilian governments. Especially in outlying regions, police officers feel an acute disparity of equipment and salaries compared to RNA soldiers, and some police in remote areas live across the border in India for safety, Rae said.

Ammunition

17. (C) A/S Rocca flagged for the Indians their earlier estimate that the RNA had 4-6 months' worth of ammunition from February 1, and requested that the USG and GOI coordinate in monitoring the need for ammunition in order to prevent the RNA from losing ground to the Maoists. Rae agreed to ask the Indian Ministry of Defence to contact the Embassy DAO to provide its updated estimate of the RNA's ammunition requirements. He reiterated the GOI view that the Maoists "must be convinced they can't win militarily" so there is time for the current, nascent political process to develop. He also noted with concern reports that the RNA has been trying to source ammunition from China.

18. (C) Rae agreed that the first message to the King was to encourage him to keep open the option of using the parties' common platform as a point of negotiation, and that the USG and GOI also needed to push the parties to continue to negotiate together to find an agreeable roadmap out of the present impasse. He commented that a US request to the King not to "overreact" to the parties' statement was "very important coming from Washington," and asked that A/S Rocca emphasize to the monarch that the party proposals were not the last word on the subject, but a place to begin discussions of a return to democracy.

Comment

19. (C) The Indian decision to release some non-lethal military supplies to the RNA after hearing about USG steps in that direction demonstrates the importance the GOI places on maintaining a united front in our interactions with King Gyanendra. Although still convinced that his steps since April 23 have been inadequate and superficial, the GOI hopes that offering positive incentives, in tandem with the US, will elicit more substantial actions to engage the parties, restore civil liberties and work toward democracy. Despite its current sanguine outlook on ammunition needs, if the King does not make sufficient progress, the GOI may be forced nevertheless to resume more substantial military assistance in response to RNA requirements or Maoist gains. Rae made clear that the GOI is unwilling to risk an RNA collapse in order to maintain pressure on the palace.

110. (U) A/S Rocca has cleared this message.
BLAKE